

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested.

Claims 1-16 are pending in the present application. Claims 17-20 have been cancelled.

Claims 1, 10, 13, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu et al. ("Shimizu") (US 2002/0038200 A1) in view of Shirata et al. ("Shirata") (U.S. Patent No. 5,321,629). Claims 2-9, 11-12, 14, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Shirata and further in view of Summers et al. ("Summers") (U.S. Patent No. 3,855,456). Applicants respectfully traverse these rejections, and request allowance thereof in the pending application for the following reasons.

The Claims are Patentable Over the Cited References

Claims 1-16 are not made obvious in view of Shimizu and other cited references

Claims 1-16 stand rejected under § 103(a) in view of Shimizu and other cited references. In accordance with the telephone conference held with the Examiner on March 30 and page 6 of the Action, a sworn English translation of the Japanese counterpart application, JP/2001-17365, has been submitted to perfect our foreign priority claim and thereby eliminate the cited reference,

Shimizu, as prior art.

Accordingly, Shimizu, the primary reference being asserted, does not constitute a proper Section 102(e)/103 reference since the Section 102(e) date for Shimizu is its U.S. filing date, February 27, 2001, which comes after the earliest priority date for the current application, January 25, 2001. The current application properly claims priority for the earlier filed Japanese patent application (JP 2001-17365, filed 1/25/01) in accordance with Section 119 as acknowledged in the earlier Office Action mailed on June 17, 2003 and with the current filing the certified translation of the priority document.

Also, the Japanese priority application (JP 2000-288243) for the Shimizu reference was not published until April 5, 2002 and therefore does not constitute a proper Section 102/103 reference either. Therefore, this rejection of the claimed invention is rendered moot since Shimizu is not a proper prior art reference under § 102(e)/103 which makes the claimed invention patentably distinct from the cited references.

Response to Restriction Requirement

Applicants elect to prosecute the invention of Group I, Claims 1-16, with traverse to expedite prosecution in response to the restriction requirement.

Conclusion

In view of the remarks submitted above, it is respectfully submitted that all of the remaining claims are allowable and a Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Clint Gerdine (Reg. No. 41,035) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Verified English Translation of JP/2001-17365